

VoIP E911 Deadline Looming, So Is Litigation

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October 26, 2005

Internet News

VoIP provider Nuvio says it will go to court no later than Nov. 14 to halt a Federal Communications Commission (FCC) order that Internet telephone companies provide E911 calling ability by Nov. 28.

Citing public safety concerns, the FCC ruled in May that all IP phone firms' systems that interconnect with the public switched telephone network (PSTN) must provide E911 operators with the location of callers.

Because of the inherent portability of VoIP phones that work with any broadband connection anywhere, providers are struggling to beat the 120-day compliance clock.

"No service provider is going to be able to provide a nationwide solution for nomadic VoIP users," Nuvio chief Jason Talley said in a statement, noting wireless phone providers were given 10 years to meet their E911 obligations.

In an FCC filing earlier this week, Nuvio asked the agency to stay the Nov. 28 deadline. If the FCC does not stand down, Talley said he would pull the trigger on the August appeal Nuvio filed in the U.S. Court of Appeals in the District of Columbia.

"We view Nov. 14 as a red-letter date on this matter, and if the FCC is unprepared to deal with the reality of the marketplace, we will be forced to ask the [court] to do such," Talley said.

The FCC, Talley claimed, has "either been unwilling or unable to tell us how to accommodate users that fall outside of the E911 services we will offer."

There is also the question of what providers must do with existing customers who have not affirmatively acknowledged the limitations of their VoIP emergency calling service.

In the same May meeting that set the Nov. 28 clock ticking, the FCC mandated all VoIP providers inform their customers of the service's limits. The FCC also required customer acknowledgement by end of July. For customers who did not acknowledge, the FCC said their service had to be terminated.

The deadline has been extended three times.

"While we share the Commission's concern about deploying 911 service, and we have worked diligently to provide our users with 911 access, the 120-day requirement imposed by the FCC is arbitrary and capricious," Talley said.

According to Nuvio's August court filing, the FCC knew the technological obstacles were "nowhere near being overcome" when the agency imposed the 120-day transition period.

Talley contends VoIP providers need an additional 18 months to 24 months to have the right technology and third-party 911 provider relationships in place.

T-Mobile and the National Emergency Number Association (NENA), along with trade groups CompTel and the VON Coalition, have also filed with the FCC for further clarification of its VoIP orders.

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